

FACTSHEET

TITLE: **DECLARATION OF SURPLUS PROPERTY**, requested by the Director of Planning on behalf of the Parks & Recreation Department, to declare portions of the Highlands South Park as surplus property, generally located at N.W. Fairway Drive and W. Harvest Drive.

STAFF RECOMMENDATION: A finding of conformance with the Comprehensive Plan and Conditional Approval.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 07/26/00 and 08/09/00
Administrative Action: 08/09/00

RECOMMENDATION: A finding of conformance with the Comprehensive Plan and Conditional Approval (7-0: Duvall, Newman Carlson, Taylor, Krieser, Hunter and Bayer voting 'yes'; Schwinn and Steward absent).

FINDINGS OF FACT:

1. The Planning staff recommendation to find the proposed declaration of surplus property to be in conformance with the Comprehensive Plan with conditions of approval is based upon the "Analysis" as set forth on p.2-4.
2. The presentation by the Planning staff is found on p.5.
3. Testimony in support by Peter Katt on behalf of the abutting property owners is found on p.5.
4. On July 26, 2000, Kent Seacrest requested a two-week deferral on behalf of Southview, Inc. and Ridge Development Company to resolve issues with the abutting property owners who believe the property owned by Seacrest's clients is part of the park. (See Minutes, p.5-6).
5. Wayne Hart testified in support; however, he raised questions about whether or not the surplus property would be usable once declared surplus and purchased by the abutting property owners (See Minutes, p.6).
6. At the continued public hearing on August 9, 2000, a letter from Seacrest & Kalkowski was submitted in support of the staff recommendation (p.017).
7. There was no testimony in opposition.
8. On August 9, 2000, the Planning Commission voted 7-0 to agree with the staff recommendation, finding the declaration of surplus property to be in conformance with the Comprehensive, with conditions of approval.
9. The maintenance agreement and protective covenants required by Condition #1 have been completed and approved by the City Attorney.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: March 26, 2001

REVIEWED BY: _____

DATE: March 26, 2001

REFERENCE NUMBER: FS\CC\FSCPC00006

W44

DATE: July 12, 2000

GENERAL INFORMATION:

Michelle Krupicka
Housing Rehabilitation and Real Estate Division
Urban Development Department
(402) 441-8617

LEGAL DESCRIPTION: See attached

EXISTING LAND USE: Park land, with private encroachments.

ANALYSIS:

- 2 -

2. The Parks and Recreation Department and the Parks and Recreation Advisory Board support designating the limited area of the park as surplus property.
3. The Parks and Recreation Department noted that there are a number of areas along the north boundary of the park where improvements associated with neighboring residential properties, such as retaining walls and landscaping, extend onto the public park site. The subject site was originally platted as a privately owned open space area with the Highlands area sewer improvement district (SID). The City acquired the property during the annexation and negotiation with the Highlands Coalition after failure of the SID. It is reported that a majority of the encroachments of private improvements on the park site pre-date public ownership. Transferring ownership of this area to the adjoining property owners recognizes existing maintenance and use patterns and eliminates the need to relocate retaining walls and other improvements.
4. The Parks and Recreation Department noted that an unnamed tributary of Lynn Creek courses through the central portion of the site. The upper reach of this drainage channel in the western portion of the park is located near the existing rear boundaries of the adjoining residential lots. Topographic conditions and existing vegetation make it difficult to maneuver large mowing equipment in the area. Transferring ownership of this area to the adjoining property owners eliminates the need for ongoing publicly funded maintenance of the slope.
5. The Parks and Recreation Department noted that the level of service for neighborhood parks established by the current Parks and Recreation Strategic Plan is one neighborhood park of eight to ten acres per square mile of residential development. The Highlands area is adequately served by the recreation facilities within Highlands Park that adjoins Fredstrom Elementary School and is located north of Highlands South Park. Thus, the master plan for Highlands South Park anticipates that much of the site will be managed as a conservation area of native grasses. Transfer of ownership of the subject areas will not reduce publicly owned outdoor recreation facilities and open space enjoyed by the Highlands area residents below the level of service standard.
6. The proposal to transfer limited areas around the perimeter of Highlands South Park has been discussed during a number of public meetings with the Highlands Neighborhood Association. There is no known opposition to the proposal.
7. The Parks and Recreation Department noted that the Parks Advisory Board recommended approval subject to the following conditions:
 - a) a regular boundary be created to facilitate mowing of the remaining park land with large equipment
 - b) property corners be permanently and visibly identified
 - c) provisions be made to reasonably assure that the property would be regularly maintained and that materials, such as compost, brush and wood, recreation vehicles, not be stored on the property
 - d) the participating property owners pay the costs associated with surveying, preparation of legal descriptions, and transfer of ownership of the property; and

e) proceeds from sale of the property be used to fund walkway improvements in the park, particularly those that serve as walking routes to Fredstrom Elementary School.

8. The representative of the property owners has agreed to the above conditions. A maintenance agreement and protective covenants are being prepared by the City Attorney's office and by the property owner's representative. However, proceeds from the sale of the property are required to be deposited into the general fund.
9. The Lincoln Electric System noted that there are electrical facilities in the area proposed to be declared as surplus, and requested that a permanent easement be retained for existing and future facilities.
10. The Public Works Department requested that easements be retained for storm sewers, sanitary sewers and sidewalks as detailed in their memorandum dated June 9, 2000.

STAFF RECOMMENDATION:

Finding that a declaration of surplus is in conformance with the Comprehensive Plan

Conditional Approval of the declaration of surplus

CONDITIONS:

1. Prior to scheduling on the City Council's agenda, a maintenance agreement and protective covenants satisfactory to the City shall be agreed to.
2. Property corners shall be permanently marked by the residential property owners.
3. Easements shall be retained for L.E.S.
4. Easements shall be retained for storm sewer, sanitary sewer and sidewalks as detailed in the Public Works memorandum dated June 9, 2000.

Prepared by:

Jennifer L. Dam, AICP
Planner

COMPREHENSIVE PLAN CONFORMANCE NO. 00006

PUBLIC HEARING BEFORE PLANNING COMMISSION:

July 26, 2000

Members present: Steward, Carlson, Newman, Taylor, Duvall and Schwinn; Hunter, Bayer and Krieser absent.

Planning staff recommendation: A finding of conformance with the Comprehensive Plan and conditional approval.

This application was removed from the Consent Agenda and had separate public hearing at the request of Wayne Hart.

Proponents

1. **Jennifer Dam** of Planning staff explained that this refers to a strip of ground of varying width and dimension. This property was outside of the City Limits and part of the SID when the Highlands was developed. When the Highlands SID went bankrupt, the city obtained ownership. The proposal is to declare the thin strip in varying widths as surplus property and then those pieces would be sold to the abutting property owners. If there are any teeth remaining that the abutting property owners do not want to purchase, a maintenance agreement would be provided so that the property owners can maintain it. Covenants are being prepared to specify what could or could not be placed in these small strips of park ground. The terrain varies. The Parks Department believed that these small parcels created a liability problem for the city and affected a small portion and not the overall park in general. The park needs in the area are still met after the declaration of this property as surplus.

Steward inquired whether there is an average depth of the strip. Dam explained that it varies from 4' to 10'.

2. **Peter Katt** appeared on behalf of the unincorporated group of homeowners adjoining the property. The strip varies in width from 10' up to 60'-70' in some locations. The line was set in the field by both the homeowners and the Parks and Recreation Department staff walking the line. This is intended to: 1) keep all existing encroachments within the new line; and 2) establish a line that is easy for Parks to maintain. The larger areas are along the area known as The Canyon in the Highland Park which are behind residential lots and the Parks Department does not want to maintain these areas.

Katt believes this is a good solution for the homeowners and for the City Parks and Recreation Department.

3. **Kent Seacrest** appeared in support on behalf of **Southview, Inc. and Ridge Development Company**, the owners of a parcel behind some of the lots that people believe is part of the park. He requested a two week deferral in order to have the opportunity to meet with the abutting

neighbors and Parks Department to talk about how we can take his clients' parcel and put it into the park and maybe trade something else out.

Seacrest explained that this area was originally known on the preliminary plat as a cul-de-sac and went deeper into the park. When they actually did the grades and sewerage they could not get the cul-de-sac lots to work and this parcel is the remaining portion as a result of that. Katt agreed to the two-week deferral. It might be beneficial to the city and neighborhood to have this issue resolved; they have tried to get it resolved; the adjoining lot owners would like to have this issue resolved; and it is worthwhile to try to get the agreement reached because it is consistent with the overall objective.

4. Wayne Hart, 5536 N.W. Fairway Drive, testified at this time. He is not opposed but he has some questions. He attended the meetings and is in support. He has 20' behind his property that would be declared surplus that is reasonably level, but it has no particular value to him unless he can use it. There is an electrical easement extending 5' beyond his property and a rear yard setback extending 5' from the back of the new lot line, which only gives him 10' of buildable space. He had a storage structure in mind, but he cannot do that with 10'. His concern is that if he would not be able to get a waiver of the setback of the rear yard, then he's not interested in purchasing the surplus property. He does not mind maintaining it, but if it is available for purchase, it would have to be of some value to him. Is there any way the Commission can make some predetermination about this issue? He does not want to commit to purchase the surplus property until he has some assurance that it is usable.

Dam explained that the covenants would prohibit any structures from being constructed in the park area. It has nothing to do with the setback. On the portion that is Mr. Hart's lot at this time, he can build an accessory structure within the rear yard setback under certain restrictions of the zoning ordinance. The electrical easements will be required to be maintained and you cannot build on top of the easement. He will not be able to build in the surplus area being added.

Steward noted that the staff is anticipating some teeth/gaps. Dam concurred. Originally, Parks & Recreation said they would not support this declaration of surplus unless 100% of the property owners would agree to purchase the land. They then modified that position and stated they would support it if there was a maintenance agreement with the property owners that did not purchase but would agree to maintain. Steward commented then that the property owner could continue to maintain and live just as they have or get help in the maintenance from a larger association.

With regard to the Hart property, Dam explained that the easement in place has nothing to do with whether the surplus land is added. LES would have to move that easement if that is requested and they may not be able to. This would have to be addressed with LES.

Steward suggested that Mr. Hart's issue is not something the Commission should deal with at this point. It is a staff and technical utilities concern between Hart and the Association. There was no testimony in opposition.

Steward moved to defer for two weeks, seconded by Duvall and carried 6-0: Steward, Carlson, Newman, Taylor, Duvall and Schwinn voting 'yes'; Hunter, Bayer and Krieser absent.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

August 9, 2000

Members present: Duvall, Newman, Carlson, Taylor, Krieser, Hunter and Bayer; Schwinn and Steward absent.

Jennifer Dam of Planning staff submitted a letter from DaNay Kalkowksi indicating they have met with the Parks Department and are in support of the application.

Proponents

1. Peter Katt appeared on behalf of a coalition of adjoining property owners that he has been representing on this issue for 2 ½ years. There are a large number of people adjoining this park facility. He agrees with the staff recommendation. It is in the best interest of the neighborhood and the city.

2. Lynn Johnson of Parks & Recreation appeared to answer questions.

There was no testimony in opposition.

Public hearing was closed.

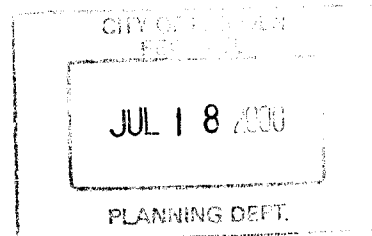
ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

August 9, 2000

Duvall moved to find the proposed declaration of surplus property to be in conformance with the Comprehensive Plan and to recommend conditional approval, as set forth in the staff report, seconded by Newman and carried 7-0: Duvall, Newman, Carlson, Taylor, Krieser, Hunter and Bayer voting 'yes'; Schwinn and Steward absent.

K&M inc.

Land Surveying



540 W. INDUSTRIAL LAKE DR. · SUITE 1 · LINCOLN, NE 68528 · (402) 476-3020 · (402) 476-3138 FAX

PARCEL 1

That part of Outlot P, Block 5, Highlands Coalition, adjacent to Lots 2 through 21, Block 1, Highlands East 6th Addition and Lot 1, Block 5, Highlands West 1st Addition, located in the North half of Section 3, Township 10 North, Range 6 East of 6th P.M., Lincoln, Lancaster County, Nebraska, more particularly described as follows;

Beginning at the Northeast corner of said Lot 21, Block 1; THENCE on the Northerly line of said Lot 21, on an assigned bearing of N 74°27'46"W 79.86'; THENCE on the Northwesterly (rear) Lot lines of said Lots 20, 19, 18, 17, 16, 15, 14, 13, 12, 11 and 10 for the next Eleven (11) courses, N 84°45'50"W 79.68'; THENCE S 84°55'56"W 80.23'; THENCE S 74°57'49"W 79.36'; THENCE S 65°24'17"W 74.40'; THENCE S 63°04'39"W 63.23'; THENCE S 62°59'17"W 63.00'; THENCE S 62°25'25"W 67.23'; THENCE S 56°32'05"W 76.24'; THENCE S 49°23'01"W 77.26'; THENCE S 41°58'10"W 77.14'; THENCE S 34°46'04"W 77.27', to the Southwesterly corner of said Lot 10, Block 1; THENCE on the southerly line of said Lot 10, S 59°06'05"E 120.25', to a point on a circular curve to the left, having a radius of 510.00', a central angle of 00°15'55"; THENCE on the chord of said curve, S 30°30'19"W 2.36', to the Point of Tangency; THENCE on said Tangent, S 30°22'21"W 17.59', to the Northeasterly corner of said Lot 9, Block 1; THENCE on the Northerly line of said Lot 9, N 59°14'39"W 120.48', to the Northwest corner of said Lot 9; THENCE on the Northwesterly Lot lines of said Lots 9, 8, 7, 6, 5, 4, 3 and 2, said Block 1, for the next Four (4) courses, S 30°32'31"W 189.47'; THENCE S 30°33'29"W 189.17'; THENCE S 30°32'55"W 63.12'; THENCE S 30°40'58"W 59.07', to the Northeast corner of said Lot 1, Block 5, Highlands West 1st Addition; THENCE on the North line of said Lot 1, S 89°28'57"W 57.07', to the Southeast corner of Outlot A, Highlands West 1st Addition; THENCE on the East line of said Outlot A, N 00°12'10"E 38.42'; THENCE S 85°34'31"E 48.29'; THENCE N 30°40'58"E 34.16'; THENCE N 30°32'55"E 63.02'; THENCE N 30°33'29"E 63.10'; THENCE N 30°33'20"E 63.18'; THENCE N 30°33'47"E 63.00'; THENCE N 30°32'27"E 63.33'; THENCE N 30°32'45"E 63.23'; THENCE N 30°32'13"E 62.85'; THENCE N 31°02'08"E 20.31'; THENCE N 34°45'43"E 80.50'; THENCE N 28°13'32"E 84.00'; THENCE N 49°22'41"E 83.06'; THENCE N 56°32'53"E 82.16'; THENCE N 62°24'36"E 69.21'; THENCE N 75°08'04"E 205.52'; THENCE N 74°56'46"E 80.34'; THENCE N 84°55'37"E 81.25'; THENCE N 86°31'47"E 166.97'; THENCE S 13°24'02"W 45.00', to the Point of Beginning, said tract containing an area of 41036.51 square feet or 0.94 acres more or less.

PARCEL 2

That part of Outlot P, Block 5, Highlands Coalition adjacent to Lots 10, Block 5, Highlands West 1st addition, located in the Southwest Quarter of Section 3, Township 10 North, Range 6 East of the 6th P.M., Lincoln, Lancaster County, Nebraska, more particularly described as follows;

Beginning at the Northwest corner of said Lot 10; THENCE on the Easterly right of way line of N.W. Fairway Drive, on an assigned bearing of N 36°42'41"E 10.00'; THENCE S 53°12'06"E 123.94', to a point on the Northerly line of Outlot A, said Highlands West 1st Addition; THENCE on said Northerly line, N 76°01'10"W 25.67' to a point on the Northerly line of said Lot 10; THENCE on said Northerly line, N 53°13'36"W 100.26' to the Point of Beginning, said tract Containing an area of 1118.28 square feet or 0.0257 acres, more or less.

K&M*inc.* **Land Surveying**

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PARCEL 3

That part of Outlot P, Block 5, Highlands Coalition, adjacent to Lots 1 through 22, Block 5, Highland North 2nd Addition, located in the North half of Section 3, Township 10 North, Range 6 East of 6th P.M., Lincoln, Lancaster County, Nebraska, more particularly described as follows;

Beginning at the Southwesterly corner of said Lot 1, Block 5, Highlands North 2nd Addition; THENCE on the Southwesterly line of said Lot 1, on an assigned bearing of S 52°55'43"E 120.28', to the Southeasterly corner of said Lot 1; THENCE on the Southeasterly Lot line of said Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12, said Block 5, Highlands North 2nd Addition, for the next Eleven (11) courses, N 36°43'42"E 70.02'; THENCE N 36°42'34"E 70.02'; THENCE N 37°05'22"E 70.17'; THENCE N 36°46'24"E 69.85'; THENCE N 36°45'36"E 69.93'; THENCE N 36°48'30"E 69.91'; THENCE N 36°50'25"E 139.98'; THENCE N 36°42'38"E 69.88'; THENCE N 36°55'34"E 70.11'; THENCE N 36°48'11"E 106.05'; THENCE N 36°44'15"E 93.75', to the Easterly corner common to Lots 12 and 14, said Block 5, Highlands North 2nd Addition; THENCE on the Southerly Lot lines of said Lots 14, 15, 16, 17, 18, 19, 20, 21 and 22, said Block 5, for the next Seven (7) courses, N 84°05'42"E 3.55'; THENCE N 84°07'44"E 104.36'; THENCE N 84°14'22"E 76.06'; THENCE N 84°29'47"E 69.89'; THENCE N 84°14'50"E 140.12'; THENCE N 84°22'34"E 139.84'; THENCE N 84°15'24"E 70.03', to the Southeast corner of said Lot 22, Block 5; THENCE S 05°49'11"E 15.00'; THENCE S 84°15'38"W 70.03'; THENCE S 84°22'21"W 69.86'; THENCE S 84°22'28"W 69.93'; THENCE S 83°18'52"W 400.30'; THENCE S 36°48'53"W 72.37'; THENCE S 36°45'31"W 107.45'; THENCE S 36°55'33"W 70.04'; THENCE S 28°34'13"W 70.62'; THENCE S 36°50'25"W 140.08'; THENCE S 36°48'29"W 69.70'; THENCE S 36°45'36"W 70.10'; THENCE S 44°55'45"W 70.49'; THENCE S 37°05'23"W 70.09'; THENCE S 36°42'36"W 70.14'; THENCE S 36°43'16"W 80.01'; THENCE N 52°55'16"W 130.29', to a point on the Southeasterly right of way line of N.W. Fairway Drive; THENCE on said right of way line, N 36°42'41"E 10.00', to the Point of Beginning, said tract Containing 24133.00 square feet or 0.55 acres, more or less.

K&M*inc.* **Land Surveying**

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PARCEL 4

That part of Outlot P, Block 5, Highlands Coalition, adjacent to Lots 23 through 28, Block 5, Highland North 2nd Addition and Lots 1 through 22, Block 20, Highlands North, located in the North Half of Section 3, Township 10 North, Range 6 East of the 6th P.M., Lincoln, Lancaster County, Nebraska, more particularly described as follows;

Beginning at the Southwest corner of said Lot 23, Block 5, Highlands North 2nd Addition; THENCE on the South line of said Lot 23, on an assigned bearing of N 84°12'43"E 80.39', to the Southeast corner of said Lot 23; THENCE on the Southerly lines of said Lots 24, 25, 26, 27 and 28 for the next four (4) courses, N 84°16'07"E 79.98' to a Point of Curvature of a circular curve to the Left, said Curve having a Radius of 510.58' and a central angle of 23°30'43"; THENCE on the chord of said curve N 72°30'45"E 208.06', to the Point of Tangency; THENCE on said Tangent N 60°45'23"E 44.53'; THENCE N 60°37'22"E 69.93', to the corner common to said Lots 28, Block 5 and Lot 22, Block 20; THENCE on the Southerly line of said Block 20, for the next eleven (11) courses, N 60°30'55"E 69.93'; THENCE N 60°53'46"E 50.36', to a Point of Curvature of a circular curve to the right, said curve having a Radius of 609.58' and a central angle of 15°00'11"; THENCE on the chord of said curve, N 68°23'52"E 159.16', to the Point of tangency; THENCE on said tangent N 75°53'57"E 70.05'; THENCE N 75°54'50"E 70.07'; THENCE N 75°42'54"E 70.05'; THENCE N 76°05'36"E 69.81'; THENCE N 75°35'37"E 69.98'; THENCE N 75°27'50"E 69.98'; THENCE N 75°51'12"E 34.97' to a Point of Curvature of a circular curve to the Left, said curve having a Radius of 313.89' and a central angle of 83°03'39"; THENCE on the chord of said curve N 34°19'23"E 416.23', to the Point of tangency; THENCE on said tangent N 07°12'27"W 52.99', said point being the northeast corner of said Lot 7, Block 20; THENCE on the Easterly line of said Block 20 for the next six (6) courses, N 07°15'08"W 69.99'; THENCE N 07°15'32"W 69.99'; THENCE N 07°25'29"W 69.97'; THENCE N 07°08'56"W 70.10'; THENCE N 07°18'29"W 70.05'; THENCE N 07°13'31"W 71.92', to the Northeast corner of said Lot 1, Block 20; THENCE on the Southerly right of way line of W. Fletcher Avenue, N 83°15'31"E 10.00'; THENCE S 07°13'32"E 71.79'; THENCE S 07°18'29"E 70.07'; THENCE S 07°08'56"E 70.11'; THENCE S 07°25'29"E 69.97'; THENCE S 07°15'31"E 69.94'; THENCE S 07°15'07"E 69.95'; THENCE S 06°49'36"E 70.58'; THENCE S 05°06'12"W 103.80'; THENCE S 20°11'34"W 120.73'; THENCE S 41°59'35"W 107.82'; THENCE S 61°43'52"W 93.18'; THENCE S 74°15'31"W 71.66'; THENCE S 75°27'49"W 69.88'; THENCE S 75°35'40"W 70.22'; THENCE S 76°05'41"W 69.54'; THENCE S 75°42'53"W 70.20'; THENCE S 75°54'51"W 70.10'; THENCE S 75°53'57"W 70.00'; THENCE S 68°20'26"W 67.16'; THENCE S 61°42'51"W 66.47'; THENCE S 63°30'00"W 69.06'; THENCE S 63°30'00"W 69.75'; THENCE S 63°30'00"W 70.16'; THENCE S 61°29'47"W 76.97'; THENCE S 69°16'15"W 93.58'; THENCE S 82°20'55"W 92.98'; THENCE S 84°16'07"W 79.87'; THENCE S 87°45'51"W 80.69'; THENCE N 05°25'34"W 15.00', to the Point of Beginning, said tract Containing an area 42756.73 square feet or 0.982 acres, more or less.

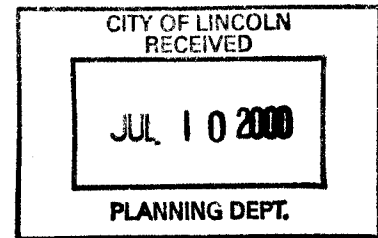


Memorandum

July 6, 2000

TO: Jennifer Dam, Planning
by FAX

FR: Lynn Johnson, Parks and Recreation
RE: Highlands South Park Surplus Property Designation Request

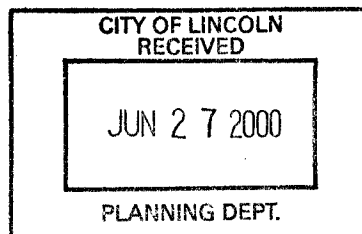


The purpose of this memorandum is to indicate that the Parks and Recreation Advisory Board and Parks and Recreation Department staff support designating a limited area of land around the perimeter of Highlands South Park as surplus to the needs of the community. There are several factors that support this proposal, as follows:

- 1) There are a number of areas along the north boundary of the park where improvements associated with neighboring residential properties, such as retaining walls and landscaping, extend onto the public park site. The subject site was originally platted as a privately owned open space area with the Highlands area sewer improvement district (SID). The City acquired property during annexation and negotiation with the Highlands Coalition after failure of the SID. It is reported that a majority of the encroachments of private improvements on the park site pre-date public ownership. Transferring ownership of this area to the adjoining property owners recognizes existing maintenance and use patterns and eliminates the need to relocate retaining walls and other improvements.
- 2) An unnamed tributary of Lynn Creek courses through the central portion of the site. The upper reach of this drainage channel in the western portion of the park is located near the existing rear boundaries of the adjoining residential lots. Topographic conditions and existing vegetation make it difficult to maneuver large mowing equipment in the area. Transferring ownership of this area to the adjoining property owners eliminates the need for ongoing publicly funded maintenance of the slope.
- 3) The level of service for neighborhood parks established by the current Parks and Recreation Strategic Plan is one neighborhood park of eight to ten acres per square mile of residential development. The Highlands area is adequately served by the recreation facilities within Highlands Park that adjoins Fredstrom Elementary School and is located north of Highlands South Park. Thus the master plan for Highlands South Park anticipates that much of the site will be managed as a conservation area of native grasses. Transfer of ownership of the subject areas will not reduce publicly owned outdoor recreation facilities and open space enjoyed by the Highlands area residents below the level of service standard.
- 4) The proposal to transfer limited areas around the perimeter of Highlands South Park has been discussed during number of public meetings with the Highlands Neighborhood Association. There is no known opposition to the proposal.

Memorandum

May 8, 2000



MAY 9 9 2000

TO: Clint Thomas, Real Estate
FR: Jim Morgan, Parks and Recreation
RE: Proposed Declaration of Surplus Property at Highlands South Park
Cc: Jennifer Dam, Planning
Connor Reuter, City Attorneys' Office

In 1998 a master plan was developed for "Highlands South Park" in cooperation with Highlands area residents. Highlands South Park is a 38 acre outlot area transferred to public ownership in connection with annexation and resolution of the failed Highlands sewer improvement district (SID). The area is adequately served by existing recreation facilities in Highlands Park, a neighborhood park adjoining Fredstrom Elementary School. Therefore, the master plan for Highlands South Park anticipates that much of site would be maintained as a conservation area with two multi-purpose play fields located along the "Highlands Loop Trail" route. During development of the master plan several of the residents neighboring the park asked if additional land area abutting their lots could be acquired. In many instances there are private improvements beyond the rear lot boundaries of the residences which predate acquisition of the park site by the City, including fences, retaining walls, storage buildings, play equipment and landscape plantings.

The Parks and Recreation Advisory Board reviewed the request, conducted a number of meetings with interested residents, and ultimately recommended that the property be declared as surplus property subject to the following conditions:

- 1) a regular boundary be created to facilitate mowing of the remaining park land with large equipment;
- 2) property corners be permanently and visibly identified;
- 3) provisions be made to reasonably assure that the property would be regularly maintained and that materials, such as compost, brush and wood, recreation vehicles, not be stored on the property;
- 4) the participating property owners pay the costs associated with surveying, preparation of legal descriptions, and transfer of ownership of the property; and
- 5) proceeds from sale of the property be used to fund walkway improvements in the park, particularly those that serve as walking routes to Fredstrom Elementary School.

A map depicting the areas proposed to be declared as surplus is attached.

The purpose of this memo is to request that the process for review of the surplus property declaration by the Planning Commission and the City Council be initiated. It would be desirable to place review of the surplus property declaration on the agenda for the June 14, 2000 meeting of the Planning Commission. Please phone Lynn Johnson at 441-8255 with questions or comments. Thanks for your assistance!

interoffice
M E M O R A N D U M

Michelle Krupicka

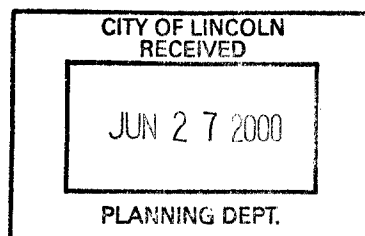
to: Jean Walker, Planning Department
from: Michelle Krupicka, Housing Rehab and Real Estate Division
subject: Declaration of Surplus Properties - Portions of Outlot P, Block 5, Highlands Coalition
a/k/a Highlands South Park
date: June 26, 2000

JUN 27
PLANNING DEPT.

Please place on the next Planning Commission agenda a request to declare surplus portions of Outot P, Block 5, Highlands Coalition as noted on the attached map.


We have requested responses from other City Departments and public agencies in accordance with the surplus property disposition procedures. Copies of the returned responses and the original request are attached. If you have any questions, please feel free to call me at 441-8617.

Attachments



M e m o r a n d u m

To: Michelle Krupicka, Housing Rehab and Real Estate Division

From: Elmer Cole, Engineering Services 

Subject: Easements for Surplus Property Highlands Area

Date: June 9, 2000

cc: Allan Abbott, Roger Figard, Jennifer Dam, Connor Reuter, Park and Recreation, File

The property in question can be declared as surplus property subject to the following conditions. Easements Areas in portions of Outlot P, Block 5, Highlands Coalition are as follows (see attached map).

AREA "C"

- A. Storm Sewer - between Lot 8 and Lot 9 , Block 20 Highlands North
- B. Sanitary Sewer - between Lot 9 and Lot 10 , Block 20 Highlands North
- C. Sanitary Sewer - between Lot 23 and Lot 24 , Block 5 Highlands North 2nd Addition
- D. Storm Sewer - between Lot 23 and 24 , Block 5 Highlands North 2nd Addition
- E. Sidewalk Easement - Outlot " E" Highlands North 2nd Addition

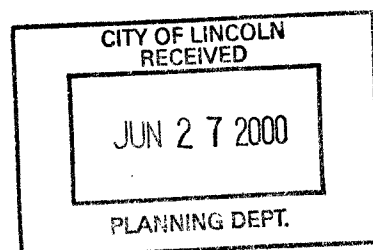
AREA " B"

- A. Storm Sewer - between Lots 11 and 12 , Block 5 Highlands North 2nd Addition

AREA "A" - None

AREA "D" - None

alc00003ejc.wpd



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KENT SEACREST
DANAY KALKOWSKI

August 9, 2000

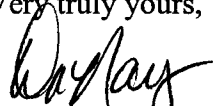
Planning Commission Members
County-City Building
555 South 10th Street
Lincoln, NE 68508

RE: Comprehensive Plan Conformance No. 00006, NW Fairway and West Harvest
Drive

Dear Planning Commission Members:

On July 26, 2000, we asked for a two week delay of the above item to work on some concerns our clients, Ridge Development Company and Southview, Inc. had with the Parks Department. We have been able to address those concerns with the Parks Department over the past two weeks. Consequently, we are in support of the above item as proposed.

Very truly yours,


DANAY KALKOWSKI
For the Firm

